



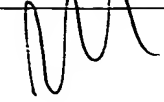
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,976	02/14/2002	Michael J. May	83581SLP	9258
7590	12/23/2004		EXAMINER	
Thomas H. Close Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			TAWFIK, SAMEH	
			ART UNIT	PAPER NUMBER
			3721	
DATE MAILED: 12/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/075,976	Applicant(s) MAY, MICHAEL J. 	
	Examiner Sameh H. Tawfik	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-25 is/are pending in the application.
- 4a) Of the above claim(s) 9-22 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-8, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennel (6,102,536) in view of Hinton (5,923,407).

Jennel discloses a method of producing a package wrapper comprising the steps of displaying an image in a display area of an imaging device (Figs. 1 and 2; via 22); displaying at least a portion of a package wrapper which includes the image thereon (Figs. 1 and 2; via 26a and 26b); selecting a package wrapper size (Figs. 5 and 5A; via different bag sizes made of wrapping paper); performing at least one of a printing, displaying, transmitting, and storing of the package wrapper (Figs. 6 and 6A). Jennel does not disclose that user submit an image to produce a windowed image nor the window being movable relative to the image. However, Hinton discloses that user submit an image to produce a windowed image and the window being movable relative to the image (Figs. 2-5 and column 2, lines 59-62).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jennel's image displaying means by giving the option to the user submitting an image to produce a windowed image and the window being movable relative to the image, as taught by Hinton, in order to provide a composite image that customer can chose from (column 1, lines 47 and 48).

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Regarding claim 2: Jennel discloses that at least one of a printing, displaying, transmitting, and storing of the package wrapper in accordance with the selected package wrapper size (Figs. 1, 2, 5, and 5A).

Regarding claim 5: Jennel does not disclose that the step of selecting the package wrapper size is accomplished by inputting dimensions of a package. However, Jennel discloses different size of package (Figs. 5 and 5A), which make it inherent of using variety of package wrapper size.

Regarding claim 6: selecting at least one predefined image from a plurality of predefined images; and combining the selected at least one predefined image with the windowed image, see for example (Figs. 1, 2, and 6).

Regarding claim 7: Jennel does not disclose that generating personalized information with the images. However, the examiner takes an official notice that generating personalized information with the images is old, well known, and available in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jennel's method of producing a package wrapper by generating personalized information with the images, as a matter of engineering design choice, in order to convey information easily along with the image.

Regarding claim 23: Jennel discloses a computer storage having instructions stored therein causing the production of package wrapper (Figs. 1 and 2).

Regarding claim 24: Jennel discloses a method of producing package wrapper (Figs. 1-3). Jennel does not disclose producing a personalized package wrapper. However, Hinton discloses

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printing a personal and chosen image by consumer to be printed on boards (Figs. 3-5 and column 2, lines 59-61).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jennel's image displaying means by giving the option to the user submitting an image to produce a personalized package wrapper, as taught by Hinton, in order to provide a composite image that customer can chose from (column 1, lines 47 and 48).

Response to Arguments

Applicant's arguments filed 10/28/2004 have been fully considered but they are not persuasive.

Applicant discloses on page 7 of the arguments that the mailed final rejection of paper Num. 08062004 is an improper and withdrawal of the finality is requested. The examiner respectfully apologize for the confusion caused out of paper Num. 08062004. The paper of 08062004 was not considered as final in front of the office, but mistakenly the examiner marked the wrong box of PTO-326 form.

Applicant argues in pages 7 and 8 of the filed arguments that the applied references are not believed to anticipate or make obvious the specific features required by the claimed invention. The reference to Jennel relates to an arrangement in which images are pre-stored which is different from the present invention where unique images are provided by consumers at the time of creating a personalized package wrapper. The examiner believes that Jennel's patent provides to the customer a variety of images to chose from to be printed on the wrapping paper, but as applicant argues the Jennel's patent fails to disclose printing personalized images, but Hinton's reference discloses printing personalized images (column 1, lines 15-17) which make it

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obvious to modify Jennel with Hinton's using personalized images to come up with nice personalized wrapping paper.

Applicant further argues in page 8 that Jennel does not show or suggest the claimed concept of displaying a package wrapper image that includes a representation of a portion of a package wrapper that includes the windowed image thereon as shown in Figs. 7 and 8 of the present application. The examiner believes that Jennel discloses a package wrapper image represented in window image (Figs. 1 and 2; via images 36a and 36b on display 22). The examiner believes that applicant is claiming "...a representation of at least a portion of a package wrapper.." which is obvious disclosed by Jennel Figs. 1 and 2 by showing two different images.

Applicant argues in page 9 of the arguments that Hinton's patent provides for the input of an image in a manner where it can be displayed on a display 20 on border 21. There is no showing or suggestion in Hinton of a windowed image to select a specific windowed image as disclosed on the present application. The examiner believes that as Jennel discloses different images to be printed on wrapping paper, but does not disclose a movable window to chose the one of the images. Hinton discloses the teaching of moving window to choose a border image. That is why the examiner believes it would be obvious to modify Jennel's reference by Hinton's moving window to simplify the step of choosing an image to be printed on the wrapping paper.

The applicant further argues in page 9 that Hinton does not show or suggest the steps of displaying a user submitted image in a display area; providing a window on the image to provide a windowed image, with the window being movable relative to the image. The examiner as set forth believes that Hinton discloses the teaching of moving window to choose a border image.

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Which can be suggested to Jennel's teaching of using different images to make it easier to the consumer to easily choose the image to be printed on the wrapping paper.

Applicant argues by the end of page 9 and page 10 of the filed arguments that even if the Hinton and Jennel were combinable, the teaching of the combination would be to enable the placement of a border around an entire user submitted image, there would be no showing or suggestion of a windowed image and the production of a personalized package wrapper. The examiner as set forth believes that by combining Hinton and Jennel's teaching will suggest by using window images to move between Jennel's images to chose one to be printed on the wrapping paper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470.

The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
Art Unit 3721

A handwritten signature in black ink, consisting of a stylized 'S' followed by a long horizontal stroke that curves upwards at the end.

ST.